

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Albert Morris Johnson,

Defendant.

Criminal No. 13-127 (ADM/SER)

**REPORT AND
RECOMMENDATION**

Benjamin Bejar, Esq., United States Attorney's Office – St. Paul, 316 North Robert Street, Suite 404, Saint Paul, Minnesota 55101, for Plaintiff.

Thomas M. Hollenhorst, Esq., United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for Plaintiff.

Earl P. Gray, Esq., Earl Gray Defense, 332 Minnesota Street, Suite W. 1610, Saint Paul, Minnesota 55101, for Defendant.

STEVEN E. RAU, United States Magistrate Judge

The above-captioned case came before the undersigned on Defendant Albert Morris Johnson's ("Johnson") Motion for Evidentiary Hearing and to Suppress Statements, Phone Conversations, and Emails [Doc. No. 26] (the "Motion to Suppress" or "Mot. to Suppress"). The Court heard oral argument and ordered supplemental briefing regarding the Motion to Suppress and a nondispositive motion. *See* (Order dated July 1, 2013) [Doc. No. 33]; (Mins. Dated June 28, 2013) [Doc. No. 31].

The Motion to Suppress alleges that all of Johnson's statements, emails, and recorded conversations should be suppressed because the Drug Enforcement Agency task force colluded with state authorities to cause an unreasonable delay. (Mot. to Suppress at 1). Additionally,

Johnson alleges that although he requested a lawyer, a person from social services acted with state authority and interviewed him regarding the alleged offense. (*Id.*).

The parties have since informed the Court that they have resolved the issues raised in the Motion to Suppress. *See* (Letter from Thomas M. Hollenhorst, Assistant United States Attorney, to the Honorable Steven E. Rau, United States Magistrate Judge (July 5, 2013)) [Doc. No. 35]. Specifically, Plaintiff United States of America (the “Government”) agrees that it will not move the contested evidence into evidence during its case-in-chief. (*Id.*). The Government reserves its right to introduce the contested evidence in rebuttal or for impeachment purposes. (*Id.*).

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that Johnson’s Motion for Evidentiary Hearing and to Suppress Statements, Phone Conversations, and Emails [Doc. No. 26] be **DENIED as moot**.

Dated: July 10, 2013

s/Steven E. Rau
STEVEN E. RAU
United States Magistrate Judge

Under D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court and serving all parties by July 24, 2013, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party’s right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Court of Appeals.